

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 28, 2000

DIVISION ONE

B134178 Boyer
 v.
 Murphy

Filed order denying petition for rehearing.

B144557 Kristin A. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Department of Children & Family Services, r.p.i.)

The petition for extraordinary writ is denied.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

B131081 K.S.C.H., Inc. (Not for Publication)
 v.
 Kim et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

December 28, 2000-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B133531 People (Not for Publication)
B139201 v.
Sencion

The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

[illegible]

The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

December 28, 2000-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B141507 People (Not for Publication)
v.
Caldera

The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B140824 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Edward M.

The order is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

December 28, 2000-Continued

DIVISION ONE (Continued)

[illegible]

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

DIVISION TWO

B129891 Frank (Not for Publication)
v.
The Walt Disney Company et al.

The judgment is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

B140415 People (Not for Publication)
v.
Henderson

On remand the trial court will be required to exercise its discretion to either impose the enhancements under Penal Code section 667.5, subdivision (b), or strike them in compliance with all of the requirements of Penal Code section 1385. In all other respects the judgment is affirmed.

Todd, J.

I concur: Boren, P.J.
I dissent: Nott, J. (Opinion)

December 28, 2000-Continued

DIVISION TWO (Continued)

B132962 People v. Orozco (Not for Publication)

The judgment (order) of the trial finding appellant to be a SVP and confining him for two years to Atascadero State Hospital is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
Cooper, J.

[illegible]

The judgment is affirmed.

Todd, J.

We concur: Cooper, Acting P.J.
Todd, J.

B140026 People (Not for Publication)
v.
Walker

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Todd, J.

December 28, 2000-Continued

DIVISION TWO (Continued)

B141188 People (Not for Publication)
v.
Jones

The judgment is modified to strike one-year enhancement imposed pursuant to section 667.5, subdivision (b) and to reflect a sentence of 25 years to life plus three one-year enhancements. In all other respects, the judgment is affirmed.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

B127569 McKinney (Not for Publication)
v.
Taco Bell Corporation

The judgment is reversed. Appellant(s) to recover costs.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

B131997 Nam (Not for Publication)
v.
ARB, Inc.

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Todd, J.

DIVISION THREE

[illegible]

The judgment is affirmed, except that defendant's sentence is vacated, the true findings on the prior serious felony conviction allegations are reversed, and the matter is remanded for a retrial as to those allegations and for further proceedings not inconsistent with this opinion.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B134875 Jensen
v.
Wells Fargo Bank

Filed order denying petition for rehearing.

B144111 L. Glen Seretan (Not for Publication)
v.
Superior Court of Los Angeles County
California Department of Justice

The order to show cause is discharged. Let a peremptory writ of mandate issue compelling respondent court to set aside its order of August 23, 2000, denying Seretan's petition for writ of mandate for the disclosure of such records pursuant to the PRA. Because section 6259 and California Rules of Court, rule 56.4 mandate an award of costs and fees to a prevailing party, respondent court is directed to award to petitioner costs and reasonable attorney fees in pursuing relief in respondent court and this court.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

December 28, 2000-Continued

DIVISION FOUR (Continued)

B135415 People (Not for Publication)
v.
Mark G. Laskodi

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B138406 People (Not for Publication)
v.
Louis Antonio Coronado

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B135671 Richard Young (Not for Publication)
v.
Lucille Young

The judgment is affirmed. Costs on appeal are awarded to respondent.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

December 28, 2000-Continued

DIVISION FOUR (Continued)

B134642 People (Not for Publication)
v.
Martez Jerome D.

The order is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B141487 People (Not for Publication)
v.
Walter Jefferson

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B120089 James S. Wang et al. (Not for Publication)
v.
Bill Lockyer, as Attorney General etc.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

December 28, 2000-Continued

DIVISION FOUR (Continued)

B143017 Ingrid A. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B135751 People (Not for Publication)
v.
Donald G. Phillips

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B138037 Thomas Marvin (Not for Publication)
v.
City of Los Angeles

The appeal is dismissed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B140670 Leah Burroughs (Not for Publication)
 v.
 William J. Reik, Jr.

The order granting the motion to quash is reversed and the matter is remanded to the trial court with instructions to grant a continuance of the motion to allow plaintiff to conduct discovery. Costs are awarded to plaintiff.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

B139541 People
 v.
 Tidwell

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION FIVE

B137931 People (Not for Publication)
 v.
 Juan Garcia

The judgment is reversed only insofar as the court ordered appellant to pay a direct restitution award of \$21,063 under Penal Code section 1202.4, subdivision (f). The matter is remanded for new hearing on that issue. In all other respects, the judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

December 28, 2000-Continued

DIVISION FIVE (Continued)

B142095 People (Not for Publication)
v.
Juan F.
In re Juan F., a Person Coming Under the Juvenile Court Law

The warship order is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B133907 Deanna Weber Deering (Not for Publication)
v.
Byron Scott Deering

The judgment is affirmed. Wife shall recover her costs on appeal.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B137286 People (Not for Publication)
v.
Jerry Dwayne Chambers

The judgment is modified to impose penalty assessments of \$50 and \$150 pursuant to Penal Code section 1464 and \$35 and \$105 pursuant to Government Code section 76000. The clerk of the superior court shall prepare and deliver to the California Department of Corrections an amended abstract of judgment which sets forth the fines imposed against defendant as well as the penalty assessments imposed pursuant to Penal Code section 1464 Government Code section 76000. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

B128791 Jeffrey Graber (Not for Publication)
 v.
 Litton Guidance & Control Systems, et al.

The judgment is reversed insofar as it fails to offset Graber's damages against his workers' compensation award for the same injury and the matter is remanded to the trial court to determine offset. In all other respects, the judgment is affirmed. Respondent shall recover his costs on appeal. The request for attorney's fees is denied.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

B135629 People (Not for Publication)
 v.
 Carlos Rodriguez

The judgment is affirmed. The sentences for counts 2 through 5, 8, 10 through 12, 15, 16, 19, 20 and 22 through 24 are vacated. The matter is remanded for resentencing as to those counts in accordance with section 1170.12.

Grignon, J.

I concur: Turner, P.J.
I dissent: Armstrong, J. (Opinion)

B141580 Los Angeles County, D.C.F.S.
 v.
 Keysha P.

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B135788 Interfirst Capital Corporation
 v.
 Richard A. Larsen

Filed order vacating submission order of September 5, 2000. The research attorney to whom the case was assigned had surgery and was unable to work on the case as well as other matters for five weeks. This is a case which involves complex issues concerning the legality of a transfer of stock under the Securities Act of 1933 arising in the context of a court's limited powers to set aside an arbitration award. Due to the complexity of the issues, it may be necessary that further briefing occur. Further, this is a case which may result in the filing of a dissenting opinion. Finally, this division has a heavier calendar than most districts or divisions within the court of Appeal in California. Since October 3, 2000, this court has had six days of oral argument which has increased the number of cases being considered in the final quarter of the calendar year. For these reasons, the order of submission is vacated. The cause is ordered resubmitted effective the filing date of this order.